

**MINUTES OF THE
PRIVATE PROTECTIVE SERVICES BOARD MEETING
JUNE 28, 2012
ASHEVILLE RENAISSANCE HOTEL
31 WOODFIN STREET
ASHEVILLE, NC 28801**

BOARD MEMBER PRESENT

Richard Allen
Denise Martin
Judge Burris
Bill Booth
Eric Jones
Sally Pleasant
Mack Donaldson
Steve Johnson
Ed Cobbler
Bob Graham

BOARD MEMBERS ABSENT

Sheriff Ashe
Sheriff Jenkins
James Stevens
Robert M. Clark

STAFF PRESENT

Anthony Bonapart - Deputy Director
Charles McDarris – Attorney
Phillip Stephenson – Field Services Supervisor
Judy Pittman - Training Officer
Nan Williams - ASLB Board Secretary
Garcia Graham - Licensing Assistant

GUEST PRESENT

Patty B. Richardson
Mark Harvey
Jeffrey O. Dito
Ricky
Rex Lilly
Bill Dover
Vicci R. Bane
Tom Chickos
Keith Chickos
Jeffrey Kiker
Ruth Reynolds

Jerry Spencer
Kelly Reeves
Stephen Wilkie
Pam Mayfield
Michelle Corona
Rich Trull
Dorian Dehnel
John Walters
Michael Cheek
Sandy Russell
Michael Walker

Morris S. Mason
David Arndt
Joseph Siske
Robbie Eaton
Timothy Sauer
Steve Galloway
Beatrice Powers
Chuck Stubbs
Henry Zazzi
Bill Dover

Chairman Richard Allen called the June 28, 2012 Private Protective Services Board meeting to order at 9:25 AM. Mr. Allen welcomed all guests.

Attorney Charles McDarris explained the State Ethics Act, which addresses the ethics of public officials. This Act states specifically that if any Board Member has any conflict of interest, potential conflict of interest, or the appearance of a conflict, he or she should remove themselves from deliberation and vote on that matter and so state on the record.

GOOD OF THE ORDER:

Mr. Gary Pastor, President of NCAPI, greeted the Board and all of the guests. He thanked the Board for trying to streamline the process of receiving the forms from the staff and wants a faster way to be able to schedule a class. He said the association is currently working on many projects including the NCAPI Fall Conference to be held in October in the Hickory area.

APPROVAL OF THE APRIL 26, 2012 MEETING MINUTES

Correction by Mrs. Martin to recuse herself from voting on the application of Anthony McCollum.

MOTION BY MR. GRAHAM TO ACCEPT THE MINUTES WITH THE CORRECTION; SECONDED BY JUDGE BURRIS; MOTION CARRIED.

SCREENING COMMITTEE REPORT:

Mrs. Pleasant reported that the Screening Committee met on Wednesday, June 27, 2012 from 1:00 PM until 4:45 PM to review a total of 47 applications. (See report). The committee members were, Mrs. Pleasant, Mr. Johnson, Mrs. Martin, and Mr. Cobbler. Mrs. Pleasant read the report for the record.

Mrs. Pleasant presented the following registration report for the period of April 23, 2012 through June 25, 2012. Total registrations 3953; armed totals were 618 of which 211 were new, 379 were renewals, 1 duplicate and 27 reissue/dual. There was a total of 13 armed Private Investigators, 8 new Private Investigators and 5 renewals, and a total of 6 armed Private Investigator Associates, 5 new and 1 renewal. Unarmed totals were 3316 which included 1287 new, 1823 renewals, 165 transfers, 11 duplicates and 30 reissue/dual. Total denials 879 of which 229 were for cause and 650 for correctable. There were 761 applications approved which were previously denied for a total of 1640 denials reviewed.

MOTION BY MR. BOOTH TO ACCEPT THE SCREENING REPORT AND THE REGISTRATION REPORT; SECONDED BY MRS. MARTIN; MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT:

Judge Burris reported the Committee met on Wednesday, June 28, 2012 from 8:00 AM until 10:25 PM., and heard a total of 7 cases. The committee members were Judge Burris, Mr. Donaldson, Mr. Graham, Mr. Booth and Mr. Jones. Judge Burris presented the attached report. (See attachment)

**MOTION BY MR. BOOTH TO ACCEPT THE GRIEVANCE COMMITTEE REPORT;
SECONDED BY MR JOHNSON; MOTION CARRIED.**

TRAINING & EDUCATION COMMITTEE:

Mr. Booth advised the Training & Education Committee met on Thursday, June 28, 2012 from 8:30 a.m. until 9:10 a.m. The committee members were Mr. Booth, Mr. Allen, Mr. Johnson and Mrs. Pleasant.

Mr. Booth read the course schedule. The following trainer courses are scheduled:

August 6-10 2012	UG Course & Workshop	WTCC
August 21, 2012	FT Pre-Qualification Course	NCJA
September 10-14, 2012 (0800-1700)	FT Certification Course	NCJA
September 17, 2012 (1000-2300)	FT Re-certification Course	NCJA

The above listed courses are posted on the PPSB website.

Presently we have 366 certified PPS unarmed guard trainers and 103 PPS certified armed guard trainers.

The following PPS trainer courses have been completed:

May 7-11, 2012 (0800-1700)	UG Course & Workshop	WTCC
June 4, 2012 (1000-2300)	FT Re-certification Course	NCJA

The following PPS Training Courses for CEU Credits have been scheduled:

- June 28, 2012 Asheville, NC 1:00 p.m. - 5:00 p.m.
- August 1, 2012 Charlotte Motor Speedway, Concord, NC 9:00 a.m. - 1:00 p.m.
- September 5, 2012 Greenville, 9:00 a.m. -1:00 p.m.
- December 13, 2012 Raleigh, 1:00 p.m. – 5:00 p.m.

Mr. Booth reported that the committee discussed the issue regarding the new fee for the FT class. The fee schedule is based on 12 people in attendance. If 12 people do not attend the course there may be some extra funding needed to cover costs. Mr. Booth made a recommendation that in the event extra funding is needed, the difference be covered from the education fund. Mr. Johnson stated that extra funding may be required twice a year. Mr. Johnson also stated that students would have a fixed fee of \$225.00 without any additional fees at the end of the course.

MOTION BY MR. BOOTH THAT THE FULL BOARD ADOPT THIS PROCESS AND THAT THE FIXED RATE FEE WILL BE \$225.00; SECONDED BY MR. JOHNSON; MOTION CARRIED.

Mr. Booth stated that Mr. Speller presented to the committee a Power Point presentation for UGT that he developed. Mr. Booth stated that an instructor can use any of their own instruction manuals they choose as long as they use the Board's manual along with it.

Mr. Booth reported that Jack Fay of The Learning Shop discussed the possibility of increasing the number of CEU credits for online courses. Mr. Booth stated that at this time the committee is not ready to increase the number of CEU's for online courses.

Mr. Booth thanked Mr. Allen for addressing the issue regarding how rosters are being requested from the PPSB staff. The staff will look into streamlining the process.

Mr. Booth stated that the following courses have been approved: Critical Incident Stress Management and TSA Homeland Security Online Course. Ms. Corona's course was approved for 6 hours and the Critical Incident Stress Management course was approved for 2.5 hours.

MOTION BY MR. BOOTH TO APPROVE THESE TWO COURSES AS PRESENTED; SECONDED BY MRS. PLEASANT; MOTION CARRIED.

MOTION BY MR. JOHNSON TO ACCEPT THE RECOMMENDATIONS OF THE SUBCOMMITTEE; SECONDED BY MRS. PLEASANT; MOTION CARRIED.

Mrs. Pleasant suggested that the Board consider language to provide an extension of time to obtain the continuing education requirements for individuals holding a license, registration, certificate or permit when those individuals are temporarily disabled due to illness or injury.

MOTION BY MRS. PLEASANT TO TAKE THIS PROPOSED RECOMMENDATION TO THE 74C REWRITE IN AUGUST; SECONDED BY MRS. MARTIN. MOTION CARRIED.

Mrs. Pleasant stated that there is a request from an out of state bank that had an embezzlement problem with one of their branches here in North Carolina. They would like to send in one of their CPA's to investigate one of their staff members. The question is should they be required to have a PI license.

MOTION BY MRS. PLEASANT THAT THE OUT OF STATE BANK IS EXEMPT PURSUANT TO 74C-3(B)(1) WHICH WILL ALSO INCLUDE THE CPA IN THE COMPANY; SECONDED BY MR. BOOTH. MOTION CARRIED.

Mrs. Pleasant reported that the SBI is requesting an exemption to hire a retired employee to do polygraphs without having to apply for a license.

MRS. PLEASANT MADE A MOTION TO APPROVE THE EXEMPTION FOR THE RETIRED SBI EMPLOYEE TO CONDUCT POLYGRAPH EXAMINATIONS. THE EMPLOYEE CAN ONLY CONDUCT POLYGRAPH EXAMINATIONS FOR THE SBI AND COMPANY POLICE APPLICANTS ONLY. SECONDED BY MR. JOHNSON. MOTION CARRIED.

Mrs. Pleasant reported that an inquiry was made into the licensing requirements for dog handlers. A review of the 74C licensing requirements for the Guard Dog profession was made by the committee.

MRS. PLEASANT MOTIONED THAT IN ACCORDANCE WITH G.S. 74C-3(a)(7) DOG HANDLERS WERE EXEMPT FROM LICENSING REQUIREMENTS. THE PERSON WHO LEASE, RENT, OR SELL A TRAINED DOG FOR THE PURPOSE OF PROTECTING LIVES AND PROPERTY MUST BE LICENSED. THE INDIVIDUAL HANDLING THE DOGS DO NOT NEED TO BE LICENSED. SECONDED BY MR. DONALDSON. MOTION CARRIED.

MOTION BY JUDGE BURRIS TO APPROVE THE SCREENING COMMITTEE REPORT; SECONDED BY MR. GRAHAM. MOTION CARRIED.

MOTION BY MR. JOHNSON TO ACCEPT THE TRAINING AND EDUCATION REPORT; SECONDED BY MR. JONES; MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT: NONE

SCREENING COMMITTEE REPORT: NONE

74C REWRITE COMMITTEE: NONE

FINANCE COMMITTEE: NONE

OLD BUSINESS:

At the April 26, 2012 PPSB meeting, Mr. McDarris recommended that the motion below be placed in rule form.

MOTION BY MR. JOHNSON TO ACCEPT RECOMMENDATION OF SUBCOMMITTEE; IF STUDENT SCORES BELOW 65% ON WRITTEN TEST, THEY ARE NOT ALLOWED TO RETEST; SECONDED BY MR. CLARK; MOTION CARRIED.

MOTION BY JUDGE BURRIS TO APPROVE CONVERTING THIS MOTION INTO A RULE; SECONDED BY MR. JOHNSON; MOTION CARRIED.

NEW BUSINESS:

Mr. Bonapart proposed the following 2013 Board Meeting dates:

February 20 & 21, 2013
April 17 & 18, 2013
June 19 & 20, 2013
August 21 & 22, 2013
October 23 & 24, 2013
December 11 & 12, 2013

Staff is requested to look into having a meeting in the eastern area for the April meeting and the mountain area for the August meeting.

**MOTION BY JUDGE BURRIS TO ACCEPT THE 2013 MEETING SCHEDULE;
SECONDED BY MR. BOOTH; MOTION CARRIED.**

The Board thanked Mr. McDarris for his help at this meeting. The Board interviewed 3 individuals for the position of Board Attorney.

**MOTION BY MR. JOHNSON TO APPROVE THE CONTRACT OF JEFFREY GRAY
AS THE NEW PPS BOARD ATTORNEY; SECONDED BY MR. BOOTH; MOTION
CARRIED.**

BREAK: 10:15 a.m.
RECONVENED: 10:30 a.m.

FINAL AGENCY DECISIONS -

Attorney Charles McDarris removed himself as counsel to the Board to present the following cases.

The Board received the official record for the following case:

Ricky Lee Ruhlman, 12-DOJ-01211. Mr. Ruhlman was present. This case was heard by Administrative Law Judge Beecher R. Gray on March 27, 2012. This case involved the denial of the petitioner's application for an Unarmed Guard registration based on the Petitioner's demonstration of intemperate habits or lack of good moral character.

Administrative Law Judge Beecher R. Gray proposed that the Board reverse its initial decision to deny the Petitioner's application for unarmed security guard registration and grant the unarmed security guard registration.

MOTION BY MR. BOOTH TO REVERSE THE BOARD'S INITIAL DECISION AND GRANT HIS UNARMED REGISTRATION; SECONDED BY JUDGE BURRIS. MOTION CARRIED.

Ernest A. Rhyne - 11 DOJ 11546. Mr. Rhyne was present. This case was heard by Administrative Law Judge Joe Webster on November 29, 2011. This case involved the denial of the petitioner's application for an Unarmed Guard registration based on the Petitioner's demonstration of intemperate habits or lack of good moral character based on a conviction for solicitation for prostitution.

Administrative Law Judge Joe Webster proposed that the Board reverse its initial decision to deny the Petitioner's application for unarmed security guard registration and grant the unarmed security guard registration.

MOTION BY JUDGE BURRIS TO REVERSE THE BOARD'S INITIAL DECISION AND GRANT HIS UNARMED GUARD REGISTRATION; SECONDED BY MR. JOHNSON. MOTION CARRIED.

Angela Louise Giles - 12 DOJ 00557. Ms. Giles was present. This case was heard by Administrative Law Judge Beecher R. Gray on March 27, 2012. This case involved the denial of the Petitioner's renewal application for an Unarmed Guard registration based on the Petitioner's demonstration of intemperate habits or lack of good moral character.

Administrative Law Judge Beecher R. Gray proposed that the Board reverse its initial decision to deny the Petitioner's renewal application for unarmed security guard registration and grant the unarmed security guard registration.

MOTION BY JUDGE BURRIS TO REVERSE THE BOARD'S INITIAL DECISION AND GRANT HER UNARMED GUARD REGISTRATION; SECONDED BY MR. DONALDSON; MOTION CARRIED.

Steve Michael Galloway, Jr. - 11 DOJ 14434. Mr. Galloway was present. This case was heard by Administrative Law Judge Augustus B. Elkins II on January 31, 2012. This case involved the denial of the Petitioner's application for an Unarmed Guard registration based on the Petitioner's demonstration of intemperate habits or lack of good moral character based on a conviction for misrepresentation to obtain ESC benefit.

Administrative Law Judge Augustus B. Elkins II proposed that the Board reverse its initial decision to deny the Petitioner's application for unarmed security guard registration and grant the unarmed security guard registration.

MOTION BY MR JOHNSON TO REVERSE THE BOARD'S INITIAL DECISION AND GRANT HIS UNARMED GUARD REGISTRATION; SECONDED BY JUDGE BURRIS; MOTION CARRIED. MR. JONES OPPOSED THIS DECISION.

Leroy Wilson Jr. - 12 DOJ 01293 Mr. Wilson was not present. This case was heard by Administrative Law Judge Beecher R. Gray on March 27, 2012. This case involved the denial of the Petitioner's application for Security Guard and Patrol License for lack of verifiable experience.

Administrative Law Judge Beecher R. Gray proposed that the Board uphold its initial decision to deny the Petitioner's application for Security Guard and Patrol License.

MOTION BY JUDGE BURRIS TO UPHOLD THE BOARD'S INITIAL DECISION TO DENY HIS SECURITY GUARD AND PATROL LICENSE; SECONDED BY MR. BOOTH. MOTION CARRIED.

ATTORNEY'S REPORT:

Mr. McDarris reported on the following consent agreements:

Daniel A. Bellino consent agreement in the amount of \$1,122.00 due on March 29, 2012 for 11 registration violations has not been paid. He has been noticed to appear at the August 28, 2012 Grievance Committee meeting.

Lucien Guy Morin, II consent agreement in the amount of \$5,120.40 due on March 29, 2012 for 49 registration violations has not been paid. He has now paid in full.

David Ray Bailey, Premier Protective Services, Inc. consent agreement in the amount of \$14,688.00 for 144 registration violations in six installment payments of \$2,448.00 with the first payment due on June 1, 2012. To date payment has not been received. A follow up letter was mailed on June 25, 2012.

Lynn Hoosier, Metro Security & Investigative Services, Inc. consent agreement of \$3,162.00 has been executed and paid in full.

The following rule changes were noticed in the April 2, 2012 NC Register and are before you for your adoption.

12NCAC 7D .0105 amends to delete oleoresin capsicum spray.

MOTION BY MR. JOHNSON TO ADOPT 12 NCAC 07D .0105; SECONDED BY MRS. PLEASANT; MOTION CARRIED.

12 NCAC 7D .0902 and .0904 amendments to require applicants for firearms trainer certificates and renewal of firearms trainer certificates to obtain a criminal record check from the current Board approved criminal record check provider for any out of state address histories.

MOTION BY JUDGE BURRIS TO ADOPT 12 NCAC 07D .0902 AND 0904; SECONDED BY MR. BOOTH; MOTION CARRIED.

Revisions to the trainer certification rules 12NCAC 07D. 0909, .0910, .0911, .0912;

MOTION BY JUDGE BURRIS TO ADOPT 12 NCAC 07D .0909, .0910, .0911 AND .0912; SECONDED BY MR. BOOTH; MOTION CARRIED.

12NCAC 07D .1106- amendment is to allow the Board to consider any practical experience gained prior to the application date; the repeal of the grandfather clause in 12NCAC 07D .0118; and the adoption of the unarmed (12NCAC 07D.1401- .1407) and (12NCAC 07D.1501-.1507) armed armored car service guard registration rules.

MOTION BY JUDGE BURRIS TO ADOPT 12 NCAC 07D .1106; SECONDED BY MR. BOOTH; MOTION CARRIED.

MOTION BY JUDGE BURRIS TO ADOPT 12 NCAC 07D .1108; SECONDED BY MR. BOOTH; MOTION CARRIED.

MOTION BY JUDGE BURRIS TO ADOPT 12 NCAC 07D .1401-1407 AND .1501-.1507; SECONDED BY MR. BOOTH; MOTION CARRIED.

A public hearing was held on the rule changes on April 17, 2012. No one attended the public hearing. The comment period for these rules ended on June 1, 2012. These rules will be before the Board for consideration at the next Board meeting.

12 NCAC 07D.0107- amending the rule to set a statute of limitations for Board disciplinary action to violations occurring within three years of the initiation of the Board investigation of such violation. This rule was adopted at the last Board meeting. The Rules Review staff issued a letter of technical correction. Report back at the next meeting.

MOTION BY JUDGE BURRIS TO ADOPT 12 NCAC 07D .0107; SECONDED BY MR. JOHNSON; MOTION CARRIED.

The following are the recommendations of rule changes:

Amendment to 12 NCAC 07D .0102 to update the Board's address. Report back at the next meeting.

Adoption of 12 NCAC 07D .0114, G.S. 93B-2 sets out certain board reporting requirements. Failure of a board to comply with the reporting requirements by October 31 of each year shall result in a suspension of the Board's authority to expend any funds until such time as the board files the required reports. Each board must adopt rules establishing a procedure for implementing this requirement and must maintain an escrow account into which any fees tendered during a board's period of suspension shall be deposited. Report back at the next meeting.

T & E Committee reported on an issue of a student scoring below a 65% at an unarmed guard instructor training class. A motion was made by the Board stating that if a student scores below 65% on the written test, the student is not allowed to retest. The motion in April did not include a decision to begin the rule process. Mr. McDarris recommended that this language be included in the Administrative Rules and not be limited to a board policy decision.

MOTION BY MR. BOOTH TO GO FORWARD WITH THE RULES; SECONDED BY JUDGE BURRIS; MOTION CARRIED.

Board Resolution:

The Board voted to adopt the following resolution:

That any applicant for a private investigator license who cannot meet the required three years of experience of conducting investigations as defined in Board rules may transfer such application and application fee to an application for private investigator associate if the transfer is completed before or within sixty (60) days of denial by the Board of the private investigator license application and a new fingerprint card and fingerprint card fee is submitted to the Board within that sixty (60) day period; and

That any applicant for a private investigator associate license who fails to procure his or her license from the Board office within ninety (90) days after notification due to the negligence of his or her sponsor may procure the license from the Board office after the ninety (90) day period has expired.

MOTION BY JUDGE BURRIS TO ADOPT THIS BOARD RESOLUTION; SECONDED BY MR. BOOTH; MOTION CARRIED.

MOTION BY JUDGE BURRIS TO ACCEPT THE ATTORNEY'S REPORT; SECONDED BY MR. JONES; MOTION CARRIED.

DIRECTOR'S REPORT:

Deputy Director Bonapart presented the report. The current PPS budget as of April 30, 2012 has a balance of \$655,572.55; the Education Fund balance is \$54,285.51. As of June 25, 2012, the total registrations for PPS is 18,139, 1942 licensees, 612 certifications.

Deputy Director Bonapart noted that there has been a total of 2741 various correspondence printed from the PPS database, and 4204 applications received since the last Board meeting.

Deputy Director Bonapart asked that when an individual submits their criminal history check, that it includes their full legal name and not just middle initial or no middle name.

**MOTION BY MR. BOOTH TO ACCEPT THE REPORT; SECONDED BY MR. JONES;
MOTION CARRIED.**

**MOTION BY MR. BOOTH TO ADJOURN; SECONDED BY JUDGE BURRIS;
MOTION CARRIED.**

11:40 A.M. Adjourned

Anthony Bonapart, Deputy Director

Garcia Graham, Board Secretary